

Appendix 3

Prior Investigations

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Prior Investigations

The Senate Select Committee on POW/MIA Affairs began its work in October 1991 fully recognizing that the POW/MIA issue had been examined and investigated by Congress and the Department of Defense (DoD) many times over the last twenty years. The Select Committee was determined to learn as much as possible from those previous investigations, particularly in the early stages of our work, but was equally determined to avoid the methodological mistakes and issue-area omissions of those previous investigations. Most importantly, we did not accept the findings or methodology of previous investigations as valid for the purposes of our investigation, nor did we limit the scope of our investigation as many prior Congressional and Executive Branch investigations had.

In reviewing previous Congressional investigations of the POW/MIA issue, we attempted to identify previous areas of inquiry and omission. As a result we were able to focus the Committee's efforts and resources on investigating topics which previous investigations had been unable to reach as well as identifying witnesses which the Committee wished to interview.

Our investigation has had several distinct advantages over previous Congressional investigations. First, we were provided substantial time (fifteen months) and resources (\$2 million) to conduct our investigation. Second, we have had better access to documents, both classified and unclassified, than any previous investigation. Third, we have enjoyed the advantage of a changing international climate which has increased the level of cooperation from Southeast Asia and the former Soviet Union. Fourth, we have been able to interview and take oral depositions from individuals who have never been called to testify before Congress on this issue. Fifth, we have included every conceivable aspect of the POW/MIA issue in our investigation.

Below is a brief review of the scope, depth and general findings or areas of inquiry of major previous Congressional and Executive Branch investigations or oversight of POW/MIA matters. This brief synopsis of those inquiries should help distinguish this committee's work from past Congressional involvement with the POW/MIA issue. Accompanying each investigation summary is a critique of its strengths and weaknesses as seen with the benefit of years of hindsight and the additional information available to, or wider perspective obtained from, our own investigation.

HOUSE FOREIGN AFFAIRS COMMITTEE
Subcommittee on National Security Policy
and Scientific Developments

HEARINGS ON AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA, 1969-73

Background

During the later stages of the war in Vietnam, Congress began taking an interest in the issue of American POWs in Southeast Asia. This interest was due both to the high profile the Nixon Administration gave the issue at that time and the efforts of relatives and family members of many of the hundreds of servicemen being held.

The House Foreign Affairs Committee, specifically its Subcommittee on National Security Policy and Scientific Developments, which was chaired by Rep. Thomas E. Morgan (D-PA) held a total of 22 days of hearings during the 1969-1973 time period solely on the issue of American POWs from the Vietnam War. Over 75 witnesses testified in person while many more submitted statements for the record. The written record of these hearings is contained in seven volumes containing about 1,500 pages of oral and written testimony.

1969

Hearings held on November 13 & 14, 1969, focused on two House Concurrent Resolutions concerning the inhumane treatment American POWs were receiving at the hands of their North Vietnamese captors. American Red Cross officials testified to their unsuccessful efforts to secure decent treatment and accounting for U.S. prisoners of war held in Southeast Asia. Several Nixon Administration officials, including Charles E. Havens from DoD, and Frank A. Sieverts and William H. Sullivan, from the State Department, testified that North Vietnam was a signatory of the Geneva Conference on the humane treatment of prisoners of war.

The debate noted that there were 944 servicemen known to have been taken prisoner by the North Koreans or Chinese during the Korean war about which nothing was ever learned.¹ These

¹ American Prisoners of War In Vietnam, Hearings before the Subcommittee on National Security Policy and Scientific Developments of the House Foreign Affairs Committee, Ninety-First Congress, First Session, November 13, 14, 1969, p.61.

hearings resulted, in part, from the publicity generated after the May 1969 decision by the Department of Defense to "go public" with the brutal treatment of U.S. POWs by North Vietnam.²

At the time of the hearings there were 413 U.S. servicemen believed captured in Southeast Asia (South Vietnam 70, North Vietnam 341, Laos 2) and 926 missing in action in the three countries.³ The House and Senate eventually passed unanimously House Concurrent Resolution 454, during the 91st Congress, Second Session.

1970

In 1970, the Subcommittee held hearings on April 29 and May 1 and 6. State and Defense Department officials testified as to the efforts the Nixon Administration to obtain humane treatment for and the eventual release of American POWs. May 1, 1970 was designated as a Prisoner of War Day and a bipartisan Congressional rally was held at Constitution Hall. The family members of several missing servicemen testified to the emotional impact of not having any information on their loved ones. H. Ross Perot testified as to the importance of world opinion on the Vietnamese and the pros and cons of issuing North Vietnam an ultimatum regarding accounting for and providing humane treatment for U.S. POWs.

The issue of whether Americans captured in Laos and Cambodia were being turned over to North Vietnam was raised and William H. Sullivan, Deputy Assistant Secretary of State, Bureau of East Asian and Pacific Affairs, said he was aware of at least one such case but stated that the evidence indicates that "most Americans captured by Communist forces in Laos remain in Laos,"⁴

1971

Hearings held by the Subcommittee in 1971 were far more extensive than either of the previous two years. Between March and September, eleven days of hearings were held with 51 individuals testifying and dozens more submitting memorandums or

²April 20, 1971, p.392.

³Ibid. p.29.

⁴April 29, May 1 & 6, 1970 Hearings, p. 100.

statements for the record. Several former prisoners of the North Vietnamese testified as to the brutal nature of their confinement.

On March 23rd officials of the National League of Families of American Prisoners and Missing in Southeast Asia testified regarding their efforts to secure the release of Americans. Col Morris Overly a former POW in Vietnam testified about his brutal treatment at the hands of the North Vietnamese. He testified that the release of three POWs in February 1968, three more in August 1969, and three more in August 1969 was an attempt by Hanoi to improve its world image.⁵ It was also noted that three U.S. POWs were released by the Vietcong on January 1, 1969 following battlefield meetings between U.S. and Viet Cong representatives near Tay Ninh in South Vietnam.⁶

On March 24th, officials of the American Red Cross testified to the standard of treatment prisoners should be accorded under the Geneva Convention. On March 25th, 30th and April 1st, several Congressmen expressed their outrage over the treatment of American POWs and testified to the positive impact which demands for humane treatment of POWs in the U.S. and elsewhere were having on the treatment of POWs still held by North Vietnam. There was general agreement that world public opinion was the greatest weapon the U.S. had in ensuring humane treatment for the POWs, as well as their ultimate release.

On March 31, several individuals who were against the war in Vietnam testified as to their successful efforts to obtain mail privileges for POWs. Some who had been able to visit with POWs in Hanoi testified that they were receiving decent and humane treatment by their captors. On April 20th, several veterans of the Vietnam War testified regarding torture and brutalities committed by U.S. and ARVN forces against North Vietnamese and Viet Cong soldiers.

The Administration witnesses, Frank A. Sieverts, William H. Sullivan and Warren G. Nutter, testified on April 6th as to developments in the area of mail privileges, an accurate list of POWs from Hanoi, and the linkage of the POW issue to the Paris Peace talks.

The number of missing and captured U.S. personnel as of February 28, 1971 was listed in the appendix to the hearings by service and year. Also listed was the number of U.S. personnel North Vietnam, the Vietcong and Laos have admitted holding either

⁵March 23, 1971, p. 24.

⁶April 6, 1971, p.349.

by permitting mail or through propaganda broadcasts.⁷

Hearings held on June 29th, August 3rd and September 28th, 1971 resulted in another unanimous House Concurrent Resolution (379) being passed on October 4, 1971 which called for humane treatment and release of American POWs.⁸ Several Veteran's Groups were invited to testify on June 29th. They testified as to options available to the U.S. to force Vietnam to treat humanely and repatriate U.S. POWs.

On August 3, 1971, several former POWs testified to the brutality of their Vietnamese captors. On September 28th, 1971, officials from the National League of Families testified regarding the procedure by which a complete withdrawal of U.S. forces should be linked to the repatriation of American POWs. As of September 3, 1971, 465 personnel were listed as captured and 1,134 were listed as missing.⁹

1972

Two days of hearings were held by the Subcommittee on February 3 and March 16, 1972. Witnesses included representatives from the Department of State (Hon. William Sullivan) and the Department of Defense (Hon. G. Warren Nutter and Dr. Roger E. Shields). Mr. Nutter inserted into the record the circumstances of 14 airmen whose fate should be known by the North Vietnamese.¹⁰ A fact sheet listing separately as of March 11, 1972, the number of missing and captured by service, country of loss, and year of loss was also presented. Mr. Nutter also explained the functioning of the DoD POW/MIA Action Task Group established in 1971.¹¹

⁷Ibid. p. 528.

⁸Ibid., Part 2, p. 111.

⁹Ibid. p. 89.

¹⁰American Prisoners of War in Southeast Asia, 1972, February 3, 1972, pp. 27-28.

¹¹Ibid., p. 29.

1973

In late May 1973, the Subcommittee held additional hearings in light of the return of 591 American POWs in February and March, 1973. At that time the Committee was still concerned with the fate of 1,284 servicemen missing in action as of May 26, 1973.¹² There were also an additional 1,100 or so men who were declared dead by their respective services but whose bodies had not been recovered. A list of the names of 1,321 military personnel unaccounted for in Southeast Asia as of 5 May 1973 was submitted for the record.¹³

Several returned POWs testified on May 23rd regarding whether they thought any POWs had been held behind by the North Vietnamese. Most said probably not, although they thought it was unlikely that those who were amputees or who developed serious mental problems were ever going to be released alive.¹⁴ A Colonel Kenneth W. North, testified on May 23, 1971 that he saw four Americans during his imprisonment that did not return at Operation Homecoming. These men had mental and physical problems as a result of their imprisonment and he was not surprised that they never returned. He is not sure if they died or were executed or what.¹⁵

On May 30, officials of the National League of Families presented several discrepancy cases where the Vietnamese should have definite knowledge of the fate of a missing American. Dr. Shields from DoD and Frank Sieverts from the State Department testified on May 31 regarding efforts by the U.S. to obtain Vietnamese compliance with the terms of the Paris Peace Accords. A copy of the Agreement on Ending the War and Restoring Peace in Vietnam was submitted for the record.¹⁶ Also submitted for the record was an alphabetical listing of 1,321 military personnel who were unaccounted for in Southeast Asia as of 5 May 1973.¹⁷

The Committee took additional testimony on December 5, 1973 regarding the 1,300 Americans still listed as missing in action

¹²American Prisoners of War and Missing in Action, 1973 Part 4, May 23, 1973, p. 59.

¹³Ibid. pp. 151-183.

¹⁴Ibid., p.9.

¹⁵Ibid., part 4, p.9.

¹⁶Ibid., Part 4, p.141-150.

¹⁷Ibid., Part 4, pp.151-183.

and nineteen House Resolutions which were introduced as a result. Officials of the National League of Families, several members of Congress, and Siverts and Shields, from State and DoD, testified regarding the efforts to implement the POW/MIA accounting provision of the Paris Peace Accords.

A chronology of U.S. Efforts Through the Four Party Joint Military Team Toward Obtaining Information About Americans and Third Country Nationals Who Are Listed as Deceased and Completing Arrangements for Repatriation of Remains was submitted for the record along with a Chronology of U.S. Efforts Through the Four Party Joint Military Team Toward Obtaining Information About Americans and Third Country Nationals Unaccounted for in Southeast Asia.¹⁸ It is interesting that the additional 1,100 KIA with body-not-recovered were not considered as MIA. They were addressed only in the hope that some of their bodies could be returned.

Scope of Investigation

The Subcommittee on National Security Policy and Scientific Developments of the House Foreign Affairs Committee was the primary Congressional body conducting oversight of the POW/MIA issue during the Vietnam War years of 1969-1973. The subcommittee held extensive hearings with dozens of witnesses from the Nixon administration, former POWs, veterans groups, family members, and anti-war groups, yet it was not an investigative body by any means. Only official policymakers testified, and no closed sessions were held to receive classified information or material. No independent investigative authority existed to review POW/MIA classification policy or POW captivity intelligence information.

Furthermore, although the committee was effective in bringing attention to the POW/MIA issue, much of the committee's efforts during the war years was designed to ensure humane treatment of U.S. POWs. Less attention was placed on accounting for missing Americans until after the Paris Peace Accords in early 1973 when the number of unaccounted for Americans became clear.

The Committee issued no interim or final report, and made no conclusions or recommendations. The extensive hearings merely served as a public forum for parties with a stake in the issue to express their experiences and concerns.

¹⁸Hearings, December 5, 1973, pp. 16-18.

FINAL REPORT of the HOUSE SELECT COMMITTEE
ON MISSING PERSONS IN SOUTHEAST ASIA
"MONTGOMERY REPORT"

BACKGROUND

The House Select Committee on Missing Persons in Southeast Asia chaired by G.V. "Sonny" Montgomery was formed on September 11, 1975 pursuant to House Resolution 335 and tasked with conducting:

"a full and complete investigation and study of (1) the problem United States servicemen still identified as missing in action, as well as those known dead whose bodies have not been recovered, as a result of military operations in North Vietnam, South Vietnam, Laos and Cambodia and the problem of United States civilians identified as missing or unaccounted for, as well as those known dead whose bodies have not been recovered in North Vietnam, South Vietnam, Laos and Cambodia; (2) the need for additional international inspection teams to determine whether there are servicemen still held as prisoners of war or civilians held captive or unwillingly detained in the aforementioned areas."¹

The Committee's investigation lasted fifteen (15) months and resulted in a 266-page Final Report issued on December 13, 1976. Supporting the Final Report were five published volumes containing the open testimony of witnesses called before the Committee.

The Committee consisted of 10 members with a non-partisan staff of four (4) professionals and three (3) administrative personnel. The Committee's Staff Director was J. Angus MacDonald. The overall budget for the investigation was \$350,000.00 of which nearly one-half was returned unspent, despite an unexpected extension of nearly four months in the lifespan of the Committee.

The Committee viewed its primary objectives as (1) identifying whether any missing Americans remain alive and determining if their constitutional rights are fully protected. (2) helping to create an international climate where meaningful talks can be conducted with those who can provide important information on MIAs, (3) evaluating U.S. government treatment of the POW/MIA issue during and after the Vietnam War, and (4) establishing POW/MIA guidelines for future conflicts.²

¹Final Report p.II.

²Final Report, p.2.

SCOPE AND METHODOLOGY

The Select Committee used three distinct methods to conduct its investigation. First, almost 50 witnesses testified in hearings before the Select Committee. An additional 20 executive sessions were held to receive sensitive information. Second, high-level direct talks were held with key government officials from Vietnam and Laos,³ and other relevant international officials such as the International Committee of the Red Cross and the United Nations High Commissioner for Refugees. Third, the Committee staff conducted independent investigation including contacting over 150 individuals who might contribute information. The Committee staff also submitted over 100 requests for information to the Department of Defense (DoD). There was little doubt as to the principle focus of the investigation. According to the Committee's Final Report, "top priority was placed on seeking evidence to determine whether any live Americans were still being held captive."⁴

Over 200 individual POW/MIA case files were examined including all the cases listed as POW and a "cross section" of other MIA cases.⁵ The Committee staff reviewed over 100 Foreign Broadcast Information Service (FBIS) reports mentioning the downing of American planes and/or the capture of American pilots in Southeast Asia.⁶ Committee members and staff visited the Defense Intelligence Agency, the primary agency responsible for collecting intelligence on POW/MIAs. The committee also reviewed returned POW debriefs and visited the Joint Casualty Resolution Center (JCRC).

In their efforts to obtain information on the POW/MIA issue Committee members met with President Gerald Ford, and Secretary of State Dr. Henry Kissinger (twice). Four members of the Committee, including Chairman Montgomery, traveled to Hanoi in December 1975 for discussions with Communist Vietnamese officials where the Committee members received the remains of three American pilots from the Vietnamese. Chairman Montgomery also attended an international diplomatic conference on human rights in Europe in April 1976, where Vietnamese officials were present in order to press the Vietnamese for further information on

³Over 80 direct communications were made with senior officials in Southeast Asia.

⁴Final Report p.5.

⁵Final Report, p.3, p.45.

⁶Final Report p.53.

possible American POW/MIAs.

Four Committee members, including Chairman Montgomery, also met with Pathet Lao officials in Vientiane in December 1975 and six Committee members met with Lao officials in New York in August 1976. The Committee also undertook a comprehensive examination of the experiences of French POWs from the First Indochina War and the experiences of American POWs in both World War II and the Korean War.

Additionally, the Committee investigated the likelihood and probability of injury or death resulting from ejection from aircraft and parachute landing, as well as the difficulties of infection, starvation, illness, climate and hostile forces if the individual survived the ejection and parachute landing. The Committee also investigated and analyzed the extensive network of fabricators and hoaxes being perpetrated on POW/MIA families.

LIMITS OF THE INVESTIGATION

Although the Committee did extensive research and contacted numerous valuable sources of information, as in any other investigation with time and resource limitations there were some important areas that were not addressed and some sources of information that were not accessed.

First, although the Committee was successful in arranging discussions with Lao and Vietnamese officials, it had absolutely no success whatsoever in contacting Cambodian officials despite numerous and varied attempts.⁷ Additionally, although the Committee's extensive direct discussions and negotiations with the Lao and the Vietnamese were well intentioned and even effective in convincing the Indochinese governments of the sincerity of the U.S. commitment to achieving an accounting for our missing, it is clear from the record of those discussions that the Vietnamese were far more concerned at that time with obtaining from the U.S. the economic reconstruction aid package promised to them under Article 21 of the Paris Peace Accords and cited in President Nixon's February 1, 1973 letter to premier Pham Van Dong.⁸ The disparity in negotiation objectives between Committee members and the Vietnamese is evident in the Final Report:

"That searching for information on missing Americans

⁷Final Report p.15.

⁸The letter cited a figure of \$3.25 billion in economic reconstruction aid. Final Report p.11.

would not have top priority for the Vietnamese is understandable; they were rebuilding their country after a war and laying plans for the reunification of Vietnam."⁹

One subsequent source of valuable information which the Committee, as well as the Department of Defense, was unable to benefit from at the time the Committee conducted its investigation was current refugee information. The dramatic increase in the flow of Vietnamese refugees with potentially valuable information on American POW/MIAs in the months and years immediately after the Select Committee completed its work, has provide a vast amount of valuable information but regrettably has not resulted in the return of a single live American.¹⁰

The Report's Conclusions

The most significant conclusion of the Committee read as follows:

"That the results of the investigations and information gathered during its 15-month tenure have led this committee to the belief that no Americans are still being held alive as prisoners in Indochina, or elsewhere, as a result of the war in Indochina."¹¹

It must be noted that this statement applied to Americans held alive as prisoners, an important semantic distinction which is often overlooked in discussions about the Montgomery Report.

Although the Committee's conclusion that there were no living POWs left has been pilloried by many since the return of Marine PFC Robert Garwood from Vietnam in 1979, it must be noted that the Committee clearly acknowledged the likelihood of non-POW Americans still alive in Vietnam when it stated:

"[t]hat at least one deserter and one defector, the latter currently listed as a POW, were alive, in Indochina in the early 1970's and may still be alive, and that a small number of other deserters and civilians may still reside in South

⁹Final Report p.132.

¹⁰Get statistics on the number of Vietnamese leaving Vietnam since 1975.

¹¹Final Report p. vii.

Vietnam."¹²

The possibility of a few live Americans remaining in Vietnam or elsewhere in Southeast Asia voluntarily was not ruled out by the Committee's conclusion that no live prisoner's were still being held.

After examining case files the Committee concluded that of the 33 American servicemen still listed as POW at the time of the Commission, 6 of those were improperly classified as POWs at the time of their loss and no evidence of ever being taken prisoner existed for an additional 16 individuals. As a result, there were actually at least 11 confirmed American POWs who have not been accounted for by the Vietnamese.¹³

The Committee also concluded:

(1) "That, because of the nature and circumstances in which many Americans were lost in combat in Indochina, a total accounting by the Indochinese Governments is not possible and should not be expected."¹⁴

(2) "That a partial accounting by the Indochinese Governments is possible, and that the Department of Defense has the capability to assess, within reasonable limits, the nature and extent of any accounting that may be forthcoming."¹⁵

3) "The Committee did not find any dereliction or malfeasance of duty on the part of Government officials as those duties relate to the POW/MIA issue. Instead, the officials queried were knowledgeable and cooperative."¹⁶

4) "That the military security classification system figured prominently in the difficulties experienced by some MIA families and contributed to unnecessary confusion, bitterness, and rancor."¹⁷

¹²Final Report, pp.238-239.

¹³Final Report p.238.

¹⁴Final Report, p.vii.

¹⁵Final Report, p. vii.

¹⁶Final Report, p.104.

¹⁷Final Report p.241

5) "...the Department of Defense sometimes concealed actual loss sites during the "secret war in Laos" and that this information later contributed to the mistrust expressed by some next of kin. . . showing next of kin individual MIA case files . . . was an important factor in stimulating distrust among MIA families. Differences were evident between service case files and those maintained by the JCRC owing to the different purposes of these files."¹⁵

Recommendations

Among the more significant recommendations proposed by the Committee were that:

- 1) "the military secretaries should immediately begin individual case reviews in the manner prescribed by public law."
- 2) "that the Department of State promptly engage the governments of Indochina in direct discussions aimed at gaining the fullest possible accounting for missing Americans."
- 3) "that the House of Representatives maintain a POW/MIA oversight capability in the International Relations Committee to monitor any direct talks that may take place with Indochinese governments."¹⁶
- 4) "that the Department of Defense develop and promulgate regulations and instructions for more rapid declassification of intelligence information as it pertains to casualty information, to insure that such information is available as soon as possible in original or extract form in the individuals case file maintained by the parent service."¹⁷
- 5) the military services ensure that a realistic assessment of the individual's case include a communication to the family of the slight probability of the individual's survival if that is the case, and that no encouragement of the belief that the missing man be made without a factual

¹⁵Final Report pp.240-241.

¹⁶Final Report, p.vii.

¹⁷Final Report, p. 243.

basis for that encouragement.²¹

Dissenting Opinions and Critiques

Of the ten Committee Members, several filed dissenting or additional views. Congressman Moakley filed an additional view which were subsequently joined by Congressman Ottinger. Congressman Moakley believed the Committee had no evidence to reach a conclusion that there were no Americans alive in Indochina. He also objected strenuously to the Committee's recommendation that DoD conduct a status review of all case files because such a recommendation clearly exceeded the Committee's jurisdiction. Finally he was concerned with the invocation of "executive privilege" regarding the February 1973 Nixon letter to the Vietnamese government which promised the Vietnamese a specific dollar amount in reparations.²²

Congressmen Gilman and Guyer filed "separate views" in which they disagreed with the Committee's conclusion that "the governments of Indochina may be capable of returning the remains of more than 150 Americans" saying that such a statement with a numerical limit implied was premature and unwarranted. They also disagreed with the recommendation that the moratorium on individual case reviews by the military secretaries should be lifted. To facilitate the transfer of information on POW/MIAs from the Indochinese governments the U.S. should undertake some "constructive and positive gesture." Finally they believed the Committee should not assume that all POW/MIAs were dead until the U.S. has received as full and exhaustive an accounting as is possible.²³

On February 18, 1977, The National League of Families of American Prisoners and Missing in Southeast Asia issued a 25-page critique of the House Select Committee's Final Report, criticizing, among other things, the limited resources and circumscribed methodology of the Committee. At pages five and six of their critique, the League claims that Congressmen Guyer and Gilman disagreed with the report's primary conclusion that "no Americans are being held alive as prisoners in Indochina." In fact, what the two Congressmen said was that the Committee

²¹Final Report, p.244.

²²Final Report, p.255.

²³Final Report, pp.257-258.

"should not consider that all POW/MIAs are dead until the United States has received as full and exhaustive an accounting as possible." The Committee's Final Report did not maintain that all POW/MIAs were dead, in fact as mentioned earlier the Committee concluded that a small number might be alive in Southeast Asia voluntarily. To conclude, as the League does, that five of the ten Congressmen opposed the primary conclusion of the investigation is a dubious one at best.

The National League of Families did, however, raise some legitimate questions as to the lack of extended debate and a formal vote on the adoption of the final report and the extensive reliance of the committee on government provided data and information. The League also believed that the Committee staff selected testimony and witnesses "to support their personal belief that no one was alive."²⁴ The League also urged further investigation of the Nixon offer of \$3.25 billion in reconstruction aid for North Vietnam and to obtain sworn testimony of Secretary Kissinger on this issue.²⁵

²⁴Analysis of the Final Report of the House Select Committee on Missing Persons in Southeast Asia by the National League of Families of American Prisoners and Missing in Southeast Asia, February 18, 1977, p.12.

²⁵League Report, p.16.

MEMORANDUM of INSPECTION
OFFICE of PRISONERS of WAR/MISSING in ACTION
 Defense Intelligence Agency Inspector General's Office
 24 March 1983

In February 1983, the Defense Intelligence Agency's Inspector General's (IG) Office conducted a review of the Special Office for POW/MIA. The ten-day investigation was carried out between 15-25 February 1983, by a 5-person team. The stated purpose of the investigation was, "for the identification of issues, situations, or circumstances which affect mission performance, for the determination of the state of the economy, efficiency, discipline, morale, and for compliance with" various DoD regulations and Executive Orders dealing with Intelligence Activities.

The eight-page IG report, which is classified at the Secret level by DIA, outlined the recent history of the office, highlighted several problem areas and made several recommendations. The report concluded that the Office was operating under the assumption that POW/MIAs might still be alive in Southeast Asia and found "no evidence of illegal or improper activities."

Several of the deficiencies and recommendations noted by the IG Team were classified in the report. Among those unclassified deficiencies noted were: a heavy backlog of unresolved POW/MIA reports (1,050) a high degree of analyst exposure to political pressures, and a dire need for additional manpower. Several additional recommendations focused on DIA's role in the Interagency Group (IAG).

The IG's memo requested a reply from the POW/MIA Office to several "action items" mentioned in the report. The response, including corrective actions taken or exceptions noted, was due by 22 April 1983. [we need to get a copy of this reply]

In summary, the March 23, 1983 DIA IG inspection was apparently the first formal inspection of the POW/MIA Office. Although they found no impropriety in the office they did observe several personnel and organizational problems which needed to be addressed.

AN EXAMINATION OF U.S. POLICY
TOWARD POW/MIAs

U.S. SENATE FOREIGN RELATIONS COMMITTEE
MINORITY STAFF

Background

There was no evidence as to how long the investigation took to complete. The only known period of time ascertainable is from the hiring of the Chief Investigator by Senator Grassley sometime in 1989 (p.221 of 11/15 hearing) to investigate the POW issue to the publication of the Interim Report (October 29, 1990), and finally to the publication of the Final Report (May 23, 1991). The report itself consisted of 56 pages.

The investigative body was composed of three minority staffers of the U.S. Senate Committee on Foreign Relations and two designees of certain Republican senators, who helped the effort.

The purpose of the investigation was to determine whether the agencies of the U.S. government responsible for POW/MIA affairs were aggressively pursuing their mission of finding any live POW/MIAs.

Scope

The scope of the investigation did not include an intention to search for individual POW/MIAs. As originally proposed, the investigation was to focus on the problem of POW/MIAs from the Vietnam War and what, specifically, was being done by the U.S. government to account for these personnel.

As more information became available, however, it was felt that the evidence was clearly pointing to our government's being more interested in manipulating and managing the issue than in finding living POWs listed as missing. As stated in the report, "[A]s the investigation proceeded, the weight of the evidence of failure--a failure of the U.S. Government to meet its sacred trust--became overpowering." (p.i of Examination). Because the actions of our government bore too great a similarity to its actions in earlier wars of this century to be purely coincidental, it was considered necessary to broaden the scope of the investigation to study historical precedents in our dealings with the Communists in post-war situations. As a result, the report examined the fate of U.S. POW/MIAs in the hands of the Bolshevik regime after World War I, the Soviet regime after World War II, the North Korean regime after the Korean War, as well as

the primary examination of the Vietnamese regime after the Vietnam War.

Limits

The study is said to be based upon the examination of hundreds of once-classified cables, instructions, and memoranda now in the National Archives and the files of the various agencies. The report is surprisingly comprehensive in view of the limited personnel, finances, and time allotted to the task. If a substantive weakness exists, it could well be in the area of credibility. This is not to say that the conclusions reached in the report, painting an historical picture of Communist intransigence in all matters relating to U.S. POW/MIAs, are inaccurate. Rather, because of the instances of one-sided reporting and omissions revealed by Senator McCain during his questioning of the Chief Investigator of the report, a feeling that the evidence was skewed to compel the reader to reach certain conclusions persisted.

For example, at the November 15, 1991, hearing by the Senate Select Committee on POW/MIA Affairs, Senator McCain asked the Chief Investigator of the report questions relating to the case of LCDR J.E. Dooley, USN, shot down in 1967, and that of LT. J.M. Hickerson, USN, shot down in the same general area two months later. A North Vietnamese refugee had recently provided information indicating that he had witnessed the shoot down of one of these pilots. DoD's evaluation was that the refugee had witnessed the plight of Hickerson (p.6-3 of Examination). The Chief Investigator brought up various reasons in the report why the pilot more likely could have been Dooley and that DoD refused to see the truth (p.167-171; 187-196 of 11/15 hearing). Senator McCain addressed each detail of the report with the Chief Investigator and implied that the latter's thinking was colored by his attempt to find the government guilty of being less than forthright in its handling of these two cases.

Senator McCain also focused on that part of the report which stated that a repatriated POW said he "saw Dooley's name written on the wall of a prison cell in Hanoi." The Senator knew the facts surrounding this statement and submitted that the witness's official statement was to the effect he had seen Dooley's name on the prison wall or had heard the name from someone else (p.165 of 11/15 hearing). The Chief Investigator had omitted a most important and vital aspect of the evidence.

Last but not least, the report stated that two Thai special forces soldiers released from North Vietnamese custody in 1973 identified Dooley's photograph as a fellow inmate (p.6-3 of Examination). What was omitted was the fact that these two soldiers identified hundreds of other POW photographs, not only that of Dooley, and that in many cases they were correct and in numerous others they may have been mistaken because nothing

further was heard from those POWs so identified (p.161-164 of 11/15 hearing). Dooley fit into the latter category.

Conclusions

The conclusion of the report was succinctly stated:

"In each case [of the U.S. postwar dealings with the Communists on the issue of POW/MIAs in this century], the same dismaying scenario appears: On the Communist side, the regimes denied holding U.S. prisoners, contrary to many credible reports, while in fact they were holding the U.S. POW/MIAs as slave laborers and as reserve bargaining chips to get diplomatic recognition and financial assistance. On the U.S. side, our government downplayed or denied the reports of POW/MIAs, and failed to take adequate steps to prove or disprove the reports, while elements in our government pursued policies intended to make diplomatic recognition and financial support of the revolutionary regimes possible." (p.2 of Dear Colleague)

Recommendation

The report recommended that more time and more resources were needed to investigate U.S. Policy toward POW/MIA matters. In this regard, it asked for the establishment of a Senate Select Committee on POW/MIA Affairs, which in fact was done on August 2, 1991, by way of S.Res.82.

REPORT OF THE PRESIDENTIAL COMMISSION ON AMERICANS MISSING AND
UNACCOUNTED FOR IN SOUTHEAST ASIA
"WOODCOCK COMMISSION REPORT"

BACKGROUND

The Presidential Commission on Americans Missing and Unaccounted for in Southeast Asia chaired by Mr. Leonard Woodcock, President of the United Auto Workers, was announced by the Department of State on February 25, 1977. The other members of the five member Commission included: former Senator Mike Mansfield, former Ambassador Charles W. Yost, Congressman G.V. Montgomery and Mrs. Marian Wright Edelman, Director of the Childrens' Defense Fund.¹

The Commission lasted about one month and included a trip to Vietnam and Laos March 16-20, 1977. The Commission prepared a twenty-two page Report on Trip to Vietnam and Laos March 16-20, 1977, and briefed President Carter to on March 23, 1977. Two members of the Commission, Mr. Woodcock and Congressman Montgomery, also testified on April 1, 1977 before the United States Senate Committee on Foreign Relations.

The Commission's goal was to help the President obtain an accounting of missing Americans in Southeast Asia. It was directed to go to Vietnam and Laos and meet with representatives of the Socialist Republic of Vietnam and the Lao Peoples' Democratic Republic to seek information on our missing personnel, including the return of recoverable remains. The Commission was also instructed to receive these governments' views on matters affecting our mutual relations.²

The Commission was not a diplomatic mission in the usual sense, as it was not empowered to negotiate on behalf of the U.S. Government on matters involving relations between the U.S. and Vietnam and Laos. It was, however, given authority to reach agreement with Vietnamese and Lao authorities on matters pertaining to the question of our missing personnel in order to obtain information and recover remains.

SCOPE AND METHODOLOGY

¹Report on Trip to Vietnam and Laos, p. 1.

²Report, p.1.

The Departments of State and Defense provided briefing material to the Commission on the background and history of the MIA issue, including details on missing individuals and on past efforts to obtain information on them, as well as a review of U.S. relations with the countries of Indochina. The first formal meeting and briefing session was at the Department of State on March 7, 1977. Dr. Henry Kenny, former staff member of the House Select Committee on Missing Persons in Southeast Asia described that Committee's 1975 trip to Hanoi and Vientiane. Mr. James D. Rosenthal, Chief of the Commission's staff, attended a meeting with Vietnamese representatives in Paris in preparation for its visit to Southeast Asia.

The Commission also met with non-governmental organizations and individuals who were concerned with the MIA problem and other matters pertinent to its mission.³ On March 7, 1977, the Commission met with representatives of the National League of Families of Americans Missing in Southeast Asia. The League said that they recognized an accounting for all the missing was impossible but some men still missing were known to be alive at one time and the American people were entitled to know what happened to them.⁴ A meeting was held on March 11th with representatives of the American Friends Service Committee, who briefed the Commission on their recent visit to Vietnam and urged consideration of humanitarian aid to that country. Mr. Richard Dodman of the St. Louis Post-Dispatch, who had been captured and released during the war in Cambodia, urged the Commission to approach Cambodia on the MIA issue, particularly in regard to the 25 international journalists missing in that country, four of whom were Americans.

Commission members also met or talked individually with persons and groups with a specific interest in the Commission's mission, such as MIA family members.

All Commission members thoroughly read the final report of the House Select Committee on Missing Persons in Southeast Asia, published December 13, 1976. They were told later by SKV Deputy Foreign Minister Phan Hien that he had also read it. What degree of influence this Final Report had on the Commission and/or members of the Vietnamese government poses an interesting question.

On Saturday, March 12, the Commission met with President Carter and Secretary of State Cyrus Vance. The Commission was directed not to apologize for past relations, but to emphasize the President's desire for a new beginning with these governments on the basis of equality and mutual respect. It was instructed to seek all available MIA information and to obtain all recoverable remains from the Vietnamese and Lao and to listen

³Report, p. 2.

⁴Report, p. 3.

carefully to the concerns of these governments on other matters of mutual interest.⁵ Mr. Woodcock was asked by President Carter to deliver personal letters from him to Vietnamese Prime Minister Pham Van Dong and to Lao President Souphanouvong.

The following day, the Commission flew to Hawaii, where it received briefings by the Department of Defense, the Joint Casualty Resolution Center (JCRC) and the Central Identification Laboratory (CIL).

The Commission departed Hawaii on March 13th for the Philippines where they were briefed by U.S. Ambassador William H. Sullivan, who gave Commission members advice based on his many years of experience in negotiating with the Vietnamese.

The Commission spent approximately 2 1/2 days in Hanoi (March 16-19) where they met with top Vietnamese government officials including Prime Minister Pham Van Dong. The atmosphere was cordial and there was no harsh rhetoric on the part of Vietnamese officials.

The highlight of the Commission's talks in Hanoi was the SRV's formal undertaking to give the U.S. immediately all available information on our missing men and to return remains as they are recovered and exhumed. The remains of 12 U.S. airmen were turned over to the Commission. The Vietnamese stated that all living U.S. military POWs had been returned and all U.S. civilians remaining in South Vietnam after April 30, 1975, who registered with the Vietnamese authorities had left the country.

The Commission was informed that the SRV had established a specialized office to seek information on missing Americans and to recover remains. The Vietnamese said they would welcome information, documents and materials to assist in the search efforts.

In a brief meeting following the final dinner, the Commission was told that American citizen Tucker Gouglesman, who had stayed in Saigon after 1975, had died in Saigon in June 1976, and that his remains would be returned as soon as they could be hygienically exhumed.⁶

The Vietnamese made it clear that the subject of MIAs, normalization and aid were interrelated, but that none of these three points should be considered as pre-conditions to the other two. Vietnamese officials also expressed a strong desire to move toward normal relations with the U.S. and stated that they were prepared to establish diplomatic relations with us.

In meetings with the Commission, the Vietnamese emphasized their strong interest in receiving aid from the United States. This aid was expressed as an American "responsibility" and "obligation" from the war. Aid was generally categorized as

⁵Report, p. 3.

⁶Report, p. 8

something the United States "should" do.' The Vietnamese suggested they were performing a humanitarian act in working to alleviate the suffering of the MIA families, that in fairness, the U.S. should be willing to act humanely to repair some of the destruction caused during the war. The issues of refugees, family reunification and internal Vietnamese social problems were discussed.

The Commission then flew to Vientiane early on March 19. Formal talks were held with Lao high government officials including Lao Peoples Democratic Republic President Souphanouvong.

The Lao expressed their sympathy with the MIA families and their wish to relieve the latter's suffering. They noted, however, the great difficulty of finding MIA information and remains in the rugged terrain of Laos, given the nation's small population and lack of basic material means. The Lao did assure the Commission that there were no Americans who had been captured and were alive in Laos, and all Americans captured during the war had been returned to the U.S.*

The Lao made clear to the Commission that they connected the MIA problem with that of U.S. assistance to "heal the wounds of war" and rebuild their country. They expressed their view that the two problems should be resolved together, since both resulted from the war.

They expressed particular concern at what they claimed was Thai support for anti-Lao Peoples Democratic Republic elements both within Laos and in Thailand.

LIMITS OF THE INVESTIGATION

Although the Commission contacted numerous valuable sources of information, as in any other Commission or investigation, with time limitations there were some important areas that were not addressed and some sources of information that were not accessed for various reasons.

The fact that the Commission was not a diplomatic mission in the usual sense, in that it was not empowered to negotiate on behalf of the U.S. Government on matters involving relations between the U.S. and Vietnam or Laos, may have encumbered the Commission mission or sent an incorrect signal to Vietnam and Laos.

Congressman G.V. Montgomery's presence on the Commission may have influenced the Commission's objectivity because he chaired

*Report, p. 10.

*Report, p. 14.

the House Select Committee on Missing Persons in Southeast Asia that completed its fifteen month investigation on December 13, 1976. It should be noted that all Commission members thoroughly read the final report of Montgomery's Committee Report.

Due to a lack of communication between the U.S. and the Cambodian Government, and the apparent unsettled situation in Phnom Penh, the Commission decided it was best not to try to go to Cambodia. The Commission decided to attempt to arrange a contact with an Ambassador of Cambodia at a location in Southeast Asia. A representative of the U.S. Liaison Office in Beijing delivered a formal request for such a meeting to the Cambodian Embassy. On March 19, Radio Phnom Penh carried the text of a press communique issued by the Cambodian Foreign Ministry refusing the request and hurling back invective at the U.S. The Commission was unable to meet with any representatives of the Cambodian government and therefore no further information was obtained about missing or killed Americans in that country.

THE REPORT'S CONCLUSION

The Commission concluded that it would be best to approach the Vietnamese in a humanitarian spirit of mutual cooperation, looking to the future and not the past which seemed to always focus on war. The treatment of the Commission by the Vietnamese leadership indicated the importance they placed on the visit and its genuine desire for a new and improved relationship with the United States. Furthermore, the Vietnamese made it clear that the issues of normalization of relations, aid and POW/MIA were all "interrelated" but none of these three points should be considered as a precondition to the other two. The Commission also concluded from its visit to Laos that the Lao probably had considerably less information on MIAs than the Vietnamese, and were less able to develop additional information or locate remains.⁹

The Commission's visit appeared to create a new and favorable climate for improved relations with both Vietnam and Laos.

The Commission specifically concluded:

1. There is no evidence to indicate that any American POWs from the Indochina conflict remain alive.
2. Americans who stayed in Vietnam after April 30, 1975, who registered with the Foreign Ministry and wished to leave have probably all been allowed to depart the country.

⁹Report, p. 15.

3. Although there continue to be occasional rumors of deserters or defectors still living in Indochina, the Commission found no evidence to support this conjecture.
4. The Vietnamese have not given us all the information they probably have, in part because of their concentration on the return of remains. The Commission believes it succeeded in making clear to the Vietnamese the importance we attach to receiving all kinds of information, however slight or fragmentary it may be.
5. The Vietnamese gave a clear formal assurance that they would look for MIA information and remains and that they would provide such information and remains to the U.S. They did not make this specifically contingent on our provision of aid, but they do see action on MIAs as related to resolution of other issues of concern to them.
6. For reasons of terrain, climate, circumstances of loss, and passage of time, it is probable that no accounting will ever be possible for most of the Americans lost in Indochina. Even where information may once have been available, it may no longer be recoverable due to the ravages of time and physical changes.
7. A new procedure has been established for the continuing exchange of MIA information between the U.S. and the SRV. The U.S. will use this mechanism to furnish additional information and materials to assist MIA searches.
8. The Lao authorities called attention to the difficulty of MIA search efforts in view of the difficult terrain in their country, but undertook to provide information and remains as they were found.
9. The Commission was unable to meet with representatives of the Cambodian Government. That government has repeatedly denied that it holds any foreign prisoners, and the Commission considers it unlikely that additional MIA information will be forthcoming from that country.¹⁹

¹⁹Report, p. 19.

RECOMMENDATIONS

Among the more significant recommendations proposed by the Commission were that:

1. The Commission believes that resumption of talks in Paris between representatives of the U.S. and Vietnamese governments would be a most useful way of continuing the dialogue begun during its mission to Hanoi.
2. The Commission believes that normalization of relations affords the best prospect for obtaining a fuller accounting for our missing personnel and recommends that the normalization process be pursued vigorously for this as well as other reasons.
3. The Commission believes it most important to continue the technical exchanges with the Vietnamese Agency on Accounting for MIAs which were initiated in Hanoi.
4. In addition to talks in Paris, consideration should be given to proposing that a U.S. representative personally bring such information to Hanoi, and to inviting Vietnamese representatives to visit the U.S. Central Identification Laboratory in Honolulu.
5. In view of the Vietnamese statements that they could be glad to receive material assistance to aid their search for U.S. remains, the Commission recommends that this subject be considered promptly within the U.S. Government with a view to quickly providing whatever assistance is appropriate.
6. Consideration should also be given to offering technical advice and assistance on defusing unexploded ordnance, which the Commission understands continues to be a serious problem in some areas. An international agency such as UNHCR could be helpful in arrangements for providing such information.
7. Another possible action would be to encourage private American groups to increase humanitarian aid programs for Indochina, in such areas as food and medical supplies, including prosthetic equipment.¹¹

¹¹Report, pp. 21-22.

DISSENTING OPINIONS

The report does not contain any dissenting opinions.

HEARINGS

A hearing was held April 1, 1977, before the Senate Committee on Foreign Relations chaired by Senator John Sparkman. Mr. Leonard Woodcock and Congressman G.V. Montgomery read prepared statements and answered questions from various Senators. The hearing lasted one hour and eight minutes and produced a twenty-five page report. It was a general discussion of the Commission's trip, impressions, conclusions and recommendations. Mr. Woodcock stated in response to Senator Griffin, "They say no Americans are held alive against their will. I add to that just good common sense and the passage of time. Why would they be holding Americans against their will?"¹²

¹²Hearing, p. 16.

REPORT ON THE CONGRESSIONAL DELEGATION VISIT TO SOUTHEAST ASIA
JANUARY 13-21, 1986 AND HEARINGS BEFORE THE COMMITTEE
ON VETERANS' AFFAIRS OF THE UNITED STATES SENATE ON
"LIVE-SIGHTING" REPORTS OF AMERICANS LISTED AS MISSING
IN ACTION IN SOUTHEAST ASIA

BACKGROUND

In mid-January, 1986, a bipartisan delegation of the Senate and House of Representatives traveled to Thailand, Vietnam and Laos to improve Congress' knowledge of the status of America's missing in action servicemen still unaccounted for more than thirteen years after the Vietnam War. The members of the four person delegation were: Senator Frank H. Murkowski, Senator Dennis DeConcini, Representative Bob McEwen and Representative Michael Bilirakis. The trip lasted eight days, and a thirty-seven page report was published in July 1986 concerning the trip.

The delegation's report stated that an atmosphere conducive to MIA discussions with the Vietnamese and Lao had not existed until May 1981, when technical meetings between the United States and Vietnam began a productive dialogue. The U.S. delegation underlined the fact that the American people and the administration gave the highest priority to resolution of the MIA issue. Furthermore, the American people were concerned about allegations of Americans remaining in Southeast Asia via reports of live sightings and that the United States and Vietnam should consider jointly following up on these reports.

Deputy Foreign Minister Son commented that all American prisoners of war had been handed over and that Vietnam was not holding any live prisoners. Son said if any Americans were living in Vietnam, the Vietnamese Government had no knowledge of them nor were they under Vietnamese control.¹ Members of the delegation asked Son if the Vietnamese would have any objections to an independent, international organization, such as the Red Cross, aiding in the investigation of live sightings. The U.S. delegation stressed that such an organization, with free access to the Vietnamese countryside would have credibility with many countries. However, the Deputy Foreign Minister rejected this proposal, stating that such an organization or any outside group

¹Report of the Congressional Delegation Visit to Southeast Asia, p. 15.

would violate Vietnam's sovereignty and would interfere with Vietnam's internal affairs.

The U.S. delegation met with Ambassadors from Great Britain, France, Italy, West Germany, the Netherlands and Belgium while in Hanoi. Each of the Ambassadors stated that they had access to most of the country and at no time had they or their staffs been aware of any Americans living either in captivity or of their own volition in Vietnam. They stressed their degree of access and were very candid in their assessment that the Vietnamese were not holding Americans against their will. However, they did indicate that it was highly probable that Americans were in Vietnam of their own volition.

A detailed chronology of U.S./SRV POW/MIA activities from May, 1981 to June, 1986 is included in the report.

The United States Senate Committee on Veterans' Affairs held hearings on January 28 and 30, 1986; February 27, 1986; May 1, 1986; June 25, 1986; July 16, 1986; and August 12, 1986 on live sightings of American servicemen in Southeast Asia. There were also two executive sessions held during the hearings. The hearings were chaired by Senator Frank H. Murkowski. The Committee was comprised of twelve Senators and Mr. Anthony J. Principi was Chief Counsel/Staff Director.

SCOPE AND METHODOLOGY

The Committee conducted seven open hearings from January-August 1986, over 35 witnesses provided testimony and numerous documents were received. In addition, two executive sessions were held to receive highly classified information.

These hearings are contained in two volumes covering 780 pages of testimony and documents. Both private citizens and members of various governmental agencies were called to testify.

Senator Murkowski stated that it was the position of the Administration and one he wholeheartedly endorsed that it must be assumed that there are American servicemen living in conditions unknown to us in Southeast Asia.²

Congressman Mike Bilirakis and Congressman Bob McEwen were part of a joint Congressional team to visit Southeast Asia in January, 1986 and were extended an invitation to sit with the Committee during these hearings. The Congressional delegation was informed by Vietnamese officials during their visit in mid-

²Hearing, Volume 1, p.1.

January, 1986, that there were no Americans under their government's control. It was also indicated that the Vietnamese wanted to resolve this matter within two years.

President Reagan had declared that a resolution of this issue is of the highest national priority.

"When this Nation assumes the responsibility of sending its very best men into battle, it must also assume the responsibility of making every effort to bring them home again. If they have fallen in battle and cannot be found, then the Government is no less obligated to provide to their families and fellow citizens the fullest possible accounting for those lives given on behalf of America."

Ms. Ann Mills Griffiths, Executive Director, National League of Families of American Prisoners and Missing in Southeast Asia, said that there had been an apathetic noneffort for about eight years, but that now a serious conscientious effort was being made. She said she knew there was no conspiracy or coverup.

Members of the national veterans group testified and urged more de-classification of information for the public and the family members.

Major Mark Smith, U.S. Army (Ret.), SFC Melvin C. McIntire, U.S. Army (Ret.) and Mr. Scott T. Barnes testified about living Americans in Southeast Asia, the disinterest of U.S. governmental officials in this issue, as well as the Col. Bo Gritz mission to rescue prisoners.

Mr. Richard F. Hebert, President of the Center for POW/MIA Accountability, Inc. said that there were individuals of the "Rambo" persuasion that pursue this matter for their own self-serving interests. Most often it is for personal financial benefit at the expense of family members and a naive public, or to gain recognition that was somehow never earned.⁴

Col. Earl P. Hopper, U.S. Army (Ret.), stated that American prisoners of war were left behind in Southeast Asia knowingly by the U.S. Government, and that some are still being held against their will. He entered two CIA documents to support his point of view. One great weakness was the failure of the U.S. intelligence agencies to develop a covert, on the ground, human intelligence capability to locate our POWs.

Colonel Hopper testified that there was a history of

³Hearing, Vol. 1, p.3.

⁴Hearing, Vol. 1, p. 81.

Communist governments keeping POWs behind. The Soviets did it to the Germans after World War II, the Vietnamese did it to the French and the North Koreans and Chinese did it to the U.S. after Korea.

Colonel Hopper thought there may have been an arrangement between Kissinger and Le Duc Tho and that for some reason, Le Duc Tho held prisoners back as bargaining pawns, not trusting Kissinger to uphold his pledge of \$3.25 billion in reconstruction aid.³ He was also critical of U.S. intelligence being so compartmented and that so many reports were left undecided after so many years.

Mrs. Patricia B. Skelly, Chairman of Task Force Omega, Inc., was concerned about so many DIA errors and the rhetoric of government officials with so few results.

Senator Denton said the most undeniable feature of the POW/MIA issue was and still is emotionalism. He stressed that the Vietnamese cooperation with our effort depends on what leverage we have to bring to bear against them.

Congressman Gerald B.H. Solomon stated that the idea of a coverup is absurd on its face. Congressman Benjamin A. Gilman also testified on this issue.

Lt. Col. Robert L. Howard, U.S. Army, volunteered his testimony in support of statements made by Major Mark Smith and Sergeant First Class McIntire.

Dr. Larry Ward, Founder/President Emeritus of the Food for the Hungry International, had been to Vietnam 26 or 27 times in the last six and a half years. He noted a change in the Vietnamese attitude and felt strongly that they should be given two years to resolve this issue. Dr. Ward felt there were live Americans being held against their will somewhere in Indochina and certainly there are live ones there, probably a large number of defectors.⁴

The Honorable Richard L. Armitage, Assistant Secretary of Defense for International Security Affairs, said that the live sighting issue has been the U.S.' highest priority within the whole issue of Americans missing in action. He claimed that this Administration had increased the resources and manning of all aspects of the issue at DIA, JCRC, CIL, OSD and the LNO office in Bangkok. The Administration has changed the priority devoted to this issue in terms of intelligence to one of highest national

³Hearing, Vol. 1, p. 100.

⁴Hearing, Vol. 1, p. 143.

priority.⁷

Lt. Gen. Leonard H. Perroots, U.S. Air Force, Director, DIA, stated that the DIA office that handles POW affairs has increased fivefold in personnel since Lt. Gen. Tighe was Director of DIA. There have been many both internal and external investigations of DIA concerning coverups and abuse of witnesses. These investigations concluded that the allegations had no basis in fact. He also refuted the statements of Major Smith and SFC McIntire on DIA involvement with the Gritz operations to rescue prisoners and other statements they made about intelligence they gave DIA. He denied Mr. Scott Barnes' statement that his mission had U.S. government approval. There has not been any suppression of information by DIA, General Perroots testified.

According to Gen. Perroots, Vietnam's reluctance to allow international groups into their country could be based on several things. No one can underestimate the sovereign concerns of the Vietnamese. A history of Vietnam over the last 1300 years would indicate that nationalism is the thing foremost on their mind at all times. There could also be a reluctance to show the world what has not taken place in the sense of progress after the fall of Saigon.

Gen. Perroots testified that most of the reports turned over to DIA concerning live sightings are from refugees from Vietnam. He said it was important to treat refugees correctly or a most valuable source will not be willing to talk. General Perroots said the abuse of witnesses charges stem from a small number of people who are dissatisfied with the results.

Mr. Trowbridge of DIA testified that Pvt. Robert Garwood's appeal to the U.S. Supreme Court had been denied in December 1985 and that DIA had interviewed him one time, on February 26, 1986. The information provided was over ten years old.

Another witness, Major General Moore had staff responsibility for and cognizance of the Special Forces Detachment Korea that Major Mark Smith had commanded. It was a small detachment of nine personnel with a primary mission of supporting the ROK special forces by providing special operations, technical and trade craft training. They did not have a mission to do the kind of activities that Major Smith described in his affidavits and testimony. Major Smith had no mission given to him by Pacific Command with regard to POW/MIA activities in Thailand.⁸

⁷Hearing, Vol. 1, p. 156.

⁸Hearing, Vol. 1, p. 231.

Major General Lauer stated that he did not recall Lt. Col. Howard's report "Possibility of POWs in Laos" ever being given to him or to ever having been briefed on this report.

DIA did receive and analyze information provided by Major Smith and SFC McIntire to the 501st MI Group Korea. The DIA analysis of these three reports determined that: (a) Smith's source was relaying unsubstantiated, hearsay information about Americans; (b) that DIA had previously received the artifacts from other sources; and (c) that the third report relayed information about an individual not missing in Southeast Asia, and an Army officer that had died in captivity in 1961. DIA interviewed SFC McIntire in 1985 and confirmed that the information in the three reports was the extent of POW-related information in his and Smith's possession.⁹

During the hearings conducted on May 1, 1986, Senator Murkowski said that the purpose of these hearings was to obtain the fullest possible accounting of Americans missing as a result of the Vietnam War.¹⁰ The Vietnamese announced that they intended to suspend the continuation of technical talks with the U.S., because of the U.S. action against Libya. Senator Murkowski went to New York for discussions with the Vietnamese Ambassador to the United Nations on entering into a bilateral agreement to reflect the commitment and responsibilities of both nations to obtain the fullest possible accounting within the two-year time frame.

It should be noted that because Major Smith and SFC McIntire had not provided the Committee with requested information, answers to letters or returned telephone calls, it voted to exercise its power of subpoena to require Major Smith and SFC McIntire to appear. Furthermore, a subpoena was also voted to be issued to Mr. Richard Childress.

Mr. Everett Alvarez, Jr., a former POW, told the Committee about his experience as a POW for eight and a half years. His experience related only to flight crews, as with few exceptions, those were the only POWs inside his camp. The end of 1969 marked the beginning of improved conditions for POWs. By the latter part of 1972 they were living in model POW conditions because the North Vietnamese realized that a POW release would be part of any negotiatory settlement and efforts on behalf of the families of the POWs began to emerge and have an impact on public opinion both in the U.S. and abroad.¹¹ The Vietnamese have a very high

⁹Hearing, Vol. I, p. 458.

¹⁰Hearing, Vol. II, p. 1.

¹¹Hearing, Vol. II, p. 18.

regard for world opinion. He could not think of any reason why the Vietnamese Government might be holding prisoners against their will.

Lt. Col. Paul Mather, USAF of the JCRC Liaison Office in Bangkok, stated that he did not compromise, in January 1984, a Thai intelligence source as claimed by Lt. Col. Howard in his affidavit, and subsequent closed session testimony.

The JCRC's most important and time-consuming task is to assist in collecting any and all information pertaining to the POW/MIA issue. Their biggest source of new information is the stream of Indochinese refugees fleeing from Vietnam, Laos and Cambodia. He stated that interviews of these people resulted in the submission of 900 reports containing an entire spectrum of POW/MIA information. These reports were forwarded to JCRC Headquarters in Hawaii and to DIA for review and analysis. JCRC also are involved with crash site survey and excavation activities in both Vietnam and Laos, and the repatriation of U.S. remains.

Lt. Col. Mather has worked on this issue for over ten years. He has seen lots of photographs over the years, but they are either unidentifiable or have been proven to be fraudulent. He stated that the refugees can be easily intimidated and if JCRC were to mistreat, harass or in any way turn them off, our flow of information would stop. He said JCRC would never do anything to prevent the information from flowing. Lt. Col. Mather stated he had nothing to do with Bo Gritz' rescue mission, had never given Mr. Barnes a package, or ever made the statement, "It would be in the best interest of the United States if no live POW came back," as Mr. Barnes had testified.¹²

Another hearing was held on June 25, 1986, and Senator Murkowski said that even though the committee had provided an opportunity for people to come forward to offer information relative to those missing in action, that the committee had not been provided indisputable evidence that Americans were being held against their will in Southeast Asia. The Chairman said the evidence must be more than wishful thinking or speculation as the committee needs hard facts that will satisfy the people who really need to know the truth, and those are the families of those missing in action.

Major Mark Smith was to appear before the Committee according to his attorney's letter of June 20, 1986, but did not show. Senator Murkowski asked the U.S. Marshals to locate and serve the outstanding subpoena on Major Smith and Sergeant McIntire.

¹²Hearing, Vol. II, p. 33.

Dr. William R. Maples, Curator of Physical Anthropology, Florida State Museum, University of Florida, told the Committee that a three member team which included Dr. Ellis Kerley, Dr. Lowell Levine and himself was asked by the Army to go to the Central Identification Laboratory in Hawaii and evaluate its procedure and staff. He discussed the Pakse crash and the remains, stating that it was quite different in its overall nature from everything else that seems to go to the Laboratory. In this case the Laboratory did a poor job, but on the whole, they do a good job. One of the advantages is the total lack of training in Vietnam. They do not know what we do in terms of identification, so they can not play games with us.¹³ In the Pakse case, they were wrong in reaching a conclusion when the remains were unidentifiable.

The committee met again on July 16, 1986, to hear testimony from Major Mark Smith and Sergeant First Class Melvin McIntire. The two had appeared before the committee on January 28, 1986, and indicated their willingness to share information and the evidence they had which would prove American servicemen had been held in captivity in Southeast Asia in 1984. They said they had photographs, maps, documents, etc. that would prove live prisoners of war in Southeast Asia. They also testified about the alleged existence of a videotape which depicts Caucasians in captivity in October 1985. Mr. Smith claimed to have viewed the 248 minutes of the tape while Mr. McIntire did not.¹⁴

Major Smith provided copies of photos which contain a total of three Americans. The photographs were provided to him by a source in Thailand who he considers reliable, showing Americans who were left in Southeast Asia at the conclusion of the Vietnam war.

As to the film in question, a letter was written to the White House and hand carried by Congressman Bill Hendon. Major Smith and Mr. Waple were to show up in Singapore with \$4.2 million in cash for Mr. Obassy to obtain the film.¹⁵

Mr. James P. Coyne, a writer appeared before the committee and said that he had been investigating the possibility of live American prisoners of war captured during the war in Vietnam still being alive. He was in Thailand for over three years as a foreign correspondent for Soldier of Fortune magazine. He feels that there are those who would trade on the POW/MIA issue for nothing more than financial gain. Some have appeared before the

¹³Hearing, Vol. II, p. 69.

¹⁴Hearing, Vol. II, p. 106.

¹⁵Hearing, Vol. II, p. 135.

committee, but the most flagrant, the most venal, have not. They remain in Thailand or elsewhere, ready to victimize those vulnerable with grief or misguided by zeal.¹⁶ He would not consider Mr. Gregson a reliable source; furthermore, Mr. Gregson is a very persecuted individual. Coyne's problem with Major Smith and SFC McIntire was their methodology in arriving at their conclusion regarding live Americans. Coyle stated that he just does not believe it.

The last and final hearing was held August 12, 1986, before the Committee. Mr. Thomas Ashworth, a private citizen, who was a Marine officer and helicopter pilot during Vietnam and was released from active duty in 1971. He claimed to have information on live Americans but testified that DIA would not talk with him when he called DIA's Carol Bates with follow-up information. He claimed he had a friend named Pau Tung Her, who told him that a friend had seen over a hundred Americans in Sam Neun Province before he escaped.¹⁷

Mr. John M. Nevin accused Dr. Henry Kissinger and Mr. Vernon Walters of lying in testimony given to a Congressional committee and Mr. Armitage and Mr. Wolfowitz of withholding information from the committee. He claimed there was a coverup and said he had reams of evidence that was already in the hands of the U.S. government.

It was pointed out by Committee members that the problem with much of the testimony was that it relied on second and third hand stories, and not hard, concrete facts.

Major Mark Smith appeared again before the committee and stated that seven U.S. Congressmen have reached the same conclusion that American POWs remain captive in Southeast Asia. He provided the committee with what he considered to be strong circumstantial evidence that Americans may be alive and in captivity in Southeast Asia.¹⁸ He tried to talk to one of the individuals in the picture in 1981, but the man refused to talk.

Major Smith requested Mr. Obassy to make a film in mid-1985 of mining and timber operations in Laos using slave labor, but Mr. Obassy would not turn over the film to him. He has seen the film and the weaponry displayed in it makes it post-1975. Mr. Waple has seen one-third of the film twice. Arrangements for \$4.2 million in the Bank of America to obtain the film were provided by Lt. Gen. Perroots of DIA.

¹⁶Hearing, Vol. II, p. 148.

¹⁷Hearing, Vol. II, p. 175.

¹⁸Hearing, Vol. II, p. 199.

Brig. General James W. Shufelt, U.S. Army, Deputy Director of DIA, told the committee that the POW/MIA shop had doubled to 28 personnel from a year ago. DIA had analyzed the materials provided to the committee by Major Smith on July 16, 1986, and concluded that the entire package contained absolutely no proof of live American prisoners being held in Southeast Asia.¹⁹ Shufelt testified that the U.S. Government had stated repeatedly it would not pay for information and that the U.S. Government was not providing \$4.2 million for the film. There is no intelligence from the three pictures as the location of where they were taken can not be determined. There was not a coverup at DIA. Intelligence is somewhat a subjective game and, whether you are dealing with POWs or the number of T-80 tanks the Soviets have and are producing, there are always going to be analytical differences based with the information available between analysts and between intelligence agencies that deal on the production of intelligence.²⁰ He testified DIA had only received four photos and no POW names from Major Smith-SFC McIntire. DIA had met with Mr. Ashworth and Mr. Nevin, both of whom had been witnesses before the Committee, and the problem was that DIA did not reach the conclusion that they would like DIA to reach and that caused conflict.

There was an interesting exchange of letters between Senator Murkowski and Congressman Hendon in the Appendix.²¹

LIMITS OF THE HEARINGS

It is interesting to note that at the first of the seven hearings held, Senator Murkowski stated that it was important to note at the start that the committee would not necessarily reach any conclusions. The committee did not publish a final report, so it appears that they, in fact, did not reach any conclusion or have any recommendations on this most important subject matter.

The Committee received many mixed signals from the various witnesses. Several witnesses claimed to have proof that American POWs were alive in Southeast Asia, but were unable throughout the hearing to establish hard facts to support this conclusion. Some of the witnesses contended that various government officials and agencies had lied, withheld information, or were involved in a coverup. The agencies denied that there was a coverup and disputed the testimony of those that leveled the allegations.

¹⁹Hearing, Vol. II, p. 225.

²⁰Hearing, Vol. II, p. 230.

²¹Hearing, Vol. II, p. 251.

The charges and denials are far apart - where or where is the truth?

The Administration said that the resolution of Americans missing in action was a matter of the highest national priorities. It has been over six years since these hearings were concluded, and while some progress has been made, this issue lingers on and on and is the core of great frustration for the families as well as the Administration.

Vietnam asked for two years to settle this issue. It has now been six - how much longer will it take.

The Committee heard very dedicated witnesses who testified concerning their particular beliefs with regard to the MIA/POW issue and the allegations of a coverup but in essence ended up facing a catch-22 situation. The Committee pleaded for individuals to come forward or to meet with them individually to establish the plain fact that there were Americans being held in Southeast Asia - but none, in the eyes of the Committee, did so.